

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

**CHAPTER 222**

## **HOUSE BILL 2317**

AN ACT

AMENDING SECTION 33-1315, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA  
RESIDENTIAL LANDLORD AND TENANT ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1315, Arizona Revised Statutes, is amended to  
3 read:

4 33-1315. Prohibited provisions in rental agreements

5 A. A rental agreement shall not provide that the tenant does any of  
6 the following:

7 1. Agrees to waive or to forego rights or remedies under this chapter.

8 2. Agrees to pay the landlord's ~~attorney's~~ ATTORNEY fees, except an  
9 agreement in writing may provide that ~~attorney's~~ ATTORNEY fees may be awarded  
10 to the prevailing party in the event of court action and except that a  
11 prevailing party in a contested forcible detainer action is eligible to be  
12 awarded attorney fees pursuant to section 12-341.01 regardless of whether the  
13 rental agreement provides for such an award.

14 3. Agrees to the exculpation or limitation of any liability of the  
15 landlord arising under law or to indemnify the landlord for that liability  
16 or the costs connected therewith.

17 4. AGREES TO WAIVE OR LIMIT THE TENANT'S RIGHT TO SUMMON A PEACE  
18 OFFICER OR OTHER EMERGENCY ASSISTANCE IN RESPONSE TO DOMESTIC VIOLENCE AS  
19 DEFINED IN SECTION 13-3601 OR 13-3601.02.

20 5. AGREES TO PAYMENT OF MONETARY OR OTHER PENALTIES FOR SUMMONING A  
21 PEACE OFFICER OR OTHER EMERGENCY ASSISTANCE IN RESPONSE TO DOMESTIC VIOLENCE  
22 AS DEFINED IN SECTION 13-3601 OR 13-3601.02.

23 B. A provision prohibited by subsection A of this section included in  
24 a rental agreement is unenforceable. If a landlord deliberately uses a  
25 rental agreement containing provisions known by him to be prohibited, the  
26 tenant may recover actual damages sustained by him and not more than two  
27 months' periodic rent.

APPROVED BY THE GOVERNOR MAY 11, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2004.